

EXHIBIT A

From: [Jacob Lee](#)
To: [CJ Sandley](#)
Cc: [David \(Bobo\) Mullens](#); [Jacob Massee](#); [Mike Giardina](#); [Owino Team](#); [Alan Howard](#); [Andrew Free](#); [azadeh@projectsouth.org](#); [Chris Ivey](#); [Emily Cooper](#); [Daniel Charest](#); [John Dixon](#); [Elliot Lepe](#); [John Gray](#); [Jessica Hasen](#); [Jackie Aranda Osorno](#); [Jessica Everett-Garcia](#); [Meredith Stewart](#); [Chajon, Michael \(WDC\)](#); [Priyanka Bhatt](#); [Rebecca Cassler](#); [Suzanne Mattler](#); [Vidhi Bamzai](#)
Subject: RE: Barrientos v. CoreCivic: Subpoena for Deposition and Production of Documents to Joseph V. Penn
Date: Monday, March 7, 2022 10:53:59 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you, CJ. We (and Dr. Penn) do not waive our right to seek payment of the full amount of his fees, but we appreciate your willingness to pay \$595/hour as an undisputed portion of his fee.

From: CJ Sandley <cj.sandley@splcenter.org>
Sent: Monday, March 7, 2022 9:50 AM
To: Jacob Lee <JLee@strucklove.com>
Cc: David (Bobo) Mullens <dbmullens@olivermaner.com>; Jacob Massee <jmassee@olivermaner.com>; Mike Giardina <MGiardina@strucklove.com>; Owino Team <OwinoTeam@strucklove.com>; Alan Howard <AHoward@perkinscoie.com>; Andrew Free <andrew@immigrantcivilrights.com>; azadeh@projectsouth.org; Chris Ivey <chris.ivey@splcenter.org>; Emily Cooper <ECooper@perkinscoie.com>; Daniel Charest <dcharest@burnscharest.com>; John Dixon <JohnDixon@perkinscoie.com>; Elliot Lepe <elliot.lepe@splcenter.org>; John Gray <JHGray@perkinscoie.com>; Hasen, Jessica (SEA) <JHasen@perkinscoie.com>; Jackie Aranda Osorno <jackie.aranda@splcenter.org>; Jessica Everett-Garcia <JEverettGarcia@perkinscoie.com>; Meredith Stewart <meredith.stewart@splcenter.org>; Chajon, Michael (WDC) <mchajon@perkinscoie.com>; Priyanka Bhatt <priyanka@projectsouth.org>; Rebecca Cassler <rebecca.cassler@splcenter.org>; Suzanne Mattler <SMattler@perkinscoie.com>; Vidhi Bamzai <vidhi.bamzai@splcenter.org>
Subject: RE: Barrientos v. CoreCivic: Subpoena for Deposition and Production of Documents to Joseph V. Penn

Jacob,

\$595 per hour is closer to the typical range of psychiatric and general medical expert rates in detention and prison conditions cases, and we can agree to pay Dr. Penn that amount for his deposition. Plaintiffs do not waive their right to object to any efforts by CoreCivic or Dr. Penn to seek additional fees for the deposition.

Thank you,
CJ



CJ Sandley she/her/ella
Senior Staff Attorney | Immigrant Justice Project
Southern Poverty Law Center
T 334.956.8471 C 334.303.6822
cj.sandley@splcenter.org | www.splcenter.org
Admitted in Alabama and Georgia

This e-mail and any attachments are confidential and may be protected by legal privilege. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of this e-mail or any attachment is prohibited. If you have received this e-mail in error, please notify The Southern Poverty Law Center immediately by returning it to the sender and delete this copy from your system. Thank you for your cooperation.

From: Jacob Lee <JLee@strucklove.com>
Sent: Monday, March 7, 2022 8:53 AM
To: CJ Sandley <cj.sandley@splcenter.org>
Cc: David (Bobo) Mullens <dbmullens@olivermaner.com>; Jacob Massee <jmassee@olivermaner.com>; Mike

Giardina <MGiardina@strucklove.com>; Owino Team <OwinoTeam@strucklove.com>; Alan Howard <ALHoward@perkinscoie.com>; Andrew Free <andrew@immigrantcivilrights.com>; azadeh@projectsouth.org; Chris Ivey <chris.ivey@splcenter.org>; Emily Cooper <ECooper@perkinscoie.com>; Daniel Charest <dcharest@burnscharest.com>; John Dixon <JohnDixon@perkinscoie.com>; Elliot Lepe <elliott.lepe@splcenter.org>; John Gray <JHGray@perkinscoie.com>; Jessica Hasen <JHasen@perkinscoie.com>; Jackie Aranda Osorno <jackie.aranda@splcenter.org>; Jessica Everett-Garcia <JEverettGarcia@perkinscoie.com>; Meredith Stewart <Meredith.Stewart@splcenter.org>; Chajon, Michael (WDC) <mchajon@perkinscoie.com>; Priyanka Bhatt <priyanka@projectsouth.org>; Rebecca Cassler <rebecca.cassler@splcenter.org>; Suzanne Mattler <SMattler@perkinscoie.com>; Vidhi Bamzai <vidhi.bamzai@splcenter.org>

Subject: RE: Barrientos v. CoreCivic: Subpoena for Deposition and Production of Documents to Joseph V. Penn

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

CJ,

We appreciate your willingness to continue to negotiate the fee for Dr. Penn's deposition. Since you are paying your expert economist \$595 per hour for all work he performs in this case, will you at least agree to pay Dr. Penn the same rate? If so, we won't seek an order postponing the deposition, and will leave litigation of whether Plaintiffs should have to pay the remainder of Dr. Penn's full fee until after the deposition. Please note that we are not saying that Dr. Penn will accept \$595 per hour as full payment for his deposition, just that if we can at least agree that that portion of his fee is undisputed so that he's timely being paid part of his fee, we can litigate the rest of his fee after the fact.

Jacob

From: CJ Sandley <cj.sandley@splcenter.org>

Sent: Monday, March 7, 2022 7:41 AM

To: Jacob Lee <JLee@strucklove.com>

Cc: David (Bobo) Mullens <dbmullens@olivermaner.com>; Jacob Massee <jmassee@olivermaner.com>; Mike Giardina <MGiardina@strucklove.com>; Owino Team <OwinoTeam@strucklove.com>; Alan Howard <ALHoward@perkinscoie.com>; Andrew Free <andrew@immigrantcivilrights.com>; azadeh@projectsouth.org; Chris Ivey <chris.ivey@splcenter.org>; Emily Cooper <ECooper@perkinscoie.com>; Daniel Charest <dcharest@burnscharest.com>; John Dixon <JohnDixon@perkinscoie.com>; Elliot Lepe <elliott.lepe@splcenter.org>; John Gray <JHGray@perkinscoie.com>; Hasen, Jessica (SEA) <JHasen@perkinscoie.com>; Jackie Aranda Osorno <jackie.aranda@splcenter.org>; Jessica Everett-Garcia <JEverettGarcia@perkinscoie.com>; Meredith Stewart <meredith.stewart@splcenter.org>; Chajon, Michael (WDC) <mchajon@perkinscoie.com>; Priyanka Bhatt <priyanka@projectsouth.org>; Rebecca Cassler <rebecca.cassler@splcenter.org>; Suzanne Mattler <SMattler@perkinscoie.com>; Vidhi Bamzai <vidhi.bamzai@splcenter.org>

Subject: RE: Barrientos v. CoreCivic: Subpoena for Deposition and Production of Documents to Joseph V. Penn

Jacob,

As stated in my February 24, 2022 email, Plaintiffs will pay Dr. Penn reasonable fees for his deposition, as required by FRCP 26(b)(4)(E). Plaintiffs' position is that \$1,000 per hour is not a reasonable rate for Dr. Penn in this matter. We're well aware of what other medical doctors, and psychiatrists specifically, charge in detention and prison conditions cases in this region of the country and nationally. Dr. Penn's rate is well-above the typical range. We've offered to pay Dr. Penn \$400.00 per hour for his deposition, which we will pay as soon as we receive a W-9 and invoice from Dr. Penn after his deposition. We're willing to continue to negotiate Dr. Penn's rate, but we cannot agree to postpone his deposition, particularly given your request to do so less than two days prior to the deposition date and nine days after we informed you we would not agree to pay Dr.

Penn's \$1,000 per hour rate.

Thank you,
CJ



CJ Sandley she/her/ella
Senior Staff Attorney | Immigrant Justice Project
Southern Poverty Law Center
T 334.956.8471 C 334.303.6822
cj.sandley@splcenter.org | www.splcenter.org
Admitted in Alabama and Georgia

This e-mail and any attachments are confidential and may be protected by legal privilege. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of this e-mail or any attachment is prohibited. If you have received this e-mail in error, please notify The Southern Poverty Law Center immediately by returning it to the sender and delete this copy from your system. Thank you for your cooperation.

From: Jacob Lee <JLee@strucklove.com>

Sent: Sunday, March 6, 2022 11:56 AM

To: CJ Sandley <cj.sandley@splcenter.org>

Cc: David (Bobo) Mullens <dbmullens@olivermaner.com>; Jacob Massee <jmassee@olivermaner.com>; Mike Giardina <MGiardina@strucklove.com>; Owino Team <OwinoTeam@strucklove.com>; Alan Howard <AHoward@perkinscoie.com>; Andrew Free <andrew@immigrantcivilrights.com>; azadeh@projectsouth.org; Chris Ivey <chris.ivey@splcenter.org>; Emily Cooper <ECooper@perkinscoie.com>; Daniel Charest <dcharest@burnscharest.com>; John Dixon <JohnDixon@perkinscoie.com>; Elliot Lepe <elliot.lepe@splcenter.org>; John Gray <JHGray@perkinscoie.com>; Jessica Hasen <JHasen@perkinscoie.com>; Jackie Aranda Osorno <jackie.aranda@splcenter.org>; Jessica Everett-Garcia <JEverettGarcia@perkinscoie.com>; Meredith Stewart <Meredith.Stewart@splcenter.org>; Chajon, Michael (WDC) <mchajon@perkinscoie.com>; Priyanka Bhatt <priyanka@projectsouth.org>; Rebecca Cassler <rebecca.cassler@splcenter.org>; Suzanne Mattler <SMattler@perkinscoie.com>; Vidhi Bamzai <vidhi.bamzai@splcenter.org>

Subject: RE: Barrientos v. CoreCivic: Subpoena for Deposition and Production of Documents to Joseph V. Penn

Importance: High

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

CJ,

After reviewing the cases you cited, conducting some additional research of our own, and speaking to Dr. Penn, we must insist that Plaintiffs agree to pay Dr. Penn's full hourly fee in order for the deposition to proceed. Please note that we are not asking that Plaintiffs pay in advance, only that they agree in advance that they will pay Dr. Penn the full hourly rate for all time spent in the deposition within 30 days after the deposition ends.

Dr. Penn is triple board-certified in Psychiatry & Neurology, Child and Adolescent Psychiatry, and Forensic Psychiatry, each of which he must re-certify in every 10 years. He has also been certified as a Certified Correctional Health Professional (CCHP) since 2004 and more recently as a CCHP-MH (mental health), by the National Commission on Correctional Health Care. Dr. Penn did residencies in both General Psychiatry and Child and Adolescent Psychiatry at Brown University and a fellowship in Forensic Psychiatry at Yale University and is the top forensic psychiatrist practicing in corrections/detention.

In addition to these qualifications (which are but a small part of Dr. Penn's qualifications—see his CV and expert report for the full extent), Dr. Penn is the Director of Mental Health Services for UTMB Correctional Managed Care, overseeing the provision of mental health care to approximately 80% of the entire Texas state jail and adult prison

population housed within Texas Department of Criminal Justice facilities (i.e., approximately 110,000 individuals), as well as approximately 800 youths housed in state juvenile correctional institutional facilities. Providing deposition and trial testimony in this and other matters unrelated to his day job requires taking time off from his position with the state and arranging coverage for his patients.

Dr. Penn, like all experts, attorneys, and other professionals, deserves to be paid for his time. This is especially true here, where we produced Dr. Penn's fee schedule with his report, such that Plaintiffs knew his hourly rate before asking to take his deposition, and where at least one of the attorneys representing Plaintiffs in this case—John Gray, an attorney in Perkins Coie's Phoenix office—also represents the plaintiffs in the *Parsons* matter. There, the plaintiffs deposed Dr. Penn for a total of 10 hours across two days on October 26 and November 17, 2021, only to refuse afterward to pay his full fee, despite knowing what it was before the deposition. Dr. Penn still hasn't been paid for his time spent in those depositions, and that dispute will require court intervention to resolve, further delaying payment for his services. We and Dr. Penn would like to avoid having the same situation play out here.

Dr. Penn is charging CoreCivic the same rate he is charging Plaintiffs for time spent testifying in deposition and at trial and has been paid this fee, which is in line with fees charged by other correctional forensic psychiatrists, in other recent cases. We can provide you with examples upon request. *See also Hayles v. Smith*, No. CV610-031, 2013 WL 596372, at *1 (S.D. Ga. Feb. 15, 2013) (finding the plaintiff's expert orthopedic surgeon's fees of \$1,500 for the first hour of his deposition and \$750 for the remaining hours to be reasonable where the surgeon was double board-certified, went to medical school at Yale University and did a subspecialty fellowship at Harvard University, and where his rates were "comparable to those of the other members of his practice, [were] the same he traditionally charges, and [were] applicable to Plaintiff as well as Defendants"); *Miller v. Credit*, No. 12-00138-BAJ-RLB, 2013 WL 1833310, at *3 (M.D. La. May 1, 2013) (finding the defendants' expert's fee of \$1,500/hour for deposition testimony was reasonable where the expert was board-certified and the fee was "consistent with the 'prevailing rates of other comparably respected available experts'" and similar to what the expert was charging the defendants); *Axelsson v. Hartford Ins. Co. of the Midwest*, No. 2:11-cv-01827-RCJ-GWF, 2013 WL 1261757, at *2 (D. Nev. March 26, 2013) (finding the plaintiff's expert's fee of \$1,500/hour for deposition testimony to be reasonable where it was "in line with those charged by similarly qualified expert witnesses in this community" and requiring pre-payment of the first hour of the deposition and prompt payment for any time over 1 hour based on the \$1,500/hour rate); *Marcelli v. Ace Am. Ins. Co.*, No. 10-cv-03025-PAB-KMT, 2012 WL 3744635, at *3 (D. Colo. Aug. 29, 2012) (reducing an orthopedic expert's fee for deposition testimony from \$1,500/hour to \$1,000/hour); *Burdette v. Steadfast Commons II, LLC*, No. 2:11-980-RSM, 2012 WL 3762515 (W.D. Wash. Aug. 29, 2012) (same, and approving the expert's two-hour minimum payment requirement).

Plaintiffs do not get to unilaterally determine what they will pay for Dr. Penn's deposition. If Plaintiffs want to lower their costs, the best way to do so is to focus their questions in order to minimize the number of hours required for the deposition. It is not to refuse to pay Dr. Penn's stated fee and pick a fee they would rather pay.

If Plaintiffs will agree to pay Dr. Penn's full fee within 30 days of the deposition for the hours spent in the deposition, we will not object to producing Dr. Penn for his deposition on Tuesday 3/8. If not, we request that Plaintiffs agree to postpone the deposition while we seek an Order from the Court resolving the issue. In that event, we intend to get a motion on file by close of business tomorrow and to seek expedited briefing so as not to unduly delay the process. Given the recent extension of the dispositive motion and class certification motion deadline to accommodate our deposition of Dr. Stewart, this should not present a problem.

Please let us know your position as soon as possible.

Jacob

From: CJ Sandley <cj.sandley@splcenter.org>

Sent: Thursday, February 24, 2022 3:49 PM

To: Jacob Lee <JLee@strucklove.com>

Cc: David (Bobo) Mullens <dbmullens@olivermaner.com>; Jacob Massee <jmassee@olivermaner.com>; Mike Giardina <MGiardina@strucklove.com>; Owino Team <OwinoTeam@strucklove.com>; Alan Howard <ALHoward@perkinscoie.com>; Andrew Free <andrew@immigrantcivilrights.com>; azadeh@projectsouth.org; Chris Ivey <chris.ivey@splcenter.org>; Emily Cooper <ECooper@perkinscoie.com>; Daniel Charest <dcharest@burnscharest.com>; John Dixon <JohnDixon@perkinscoie.com>; Elliot Lepe <elliot.lepe@splcenter.org>; John Gray <JHGray@perkinscoie.com>; Hasen, Jessica (SEA) <JHasen@perkinscoie.com>; Jackie Aranda Osorno <jackie.aranda@splcenter.org>; Jessica Everett-Garcia <JEverettGarcia@perkinscoie.com>; Meredith Stewart <meredith.stewart@splcenter.org>; Chajon, Michael (WDC) <mchajon@perkinscoie.com>; Priyanka Bhatt <priyanka@projectsouth.org>; Rebecca Cassler <rebecca.cassler@splcenter.org>; Suzanne Mattler <SMattler@perkinscoie.com>; Vidhi Bamzai <vidhi.bamzai@splcenter.org>

Subject: RE: Barrientos v. CoreCivic: Subpoena for Deposition and Production of Documents to Joseph V. Penn

Jacob,

We appreciate Dr. Penn's efforts to find additional availability. Attaching a revised subpoena for Dr. Penn's deposition, including the March 8 date and a 9am CT starting time.

Plaintiffs will pay Dr. Penn reasonable fees for his deposition, as required by FRCP 26(b)(4)(C). \$1,000 per hour is far outside the range of what the Middle District of Georgia and other courts in the Eleventh Circuit have found to be reasonable for expert fees. *See, e.g., Putnal v. Guardian Life Ins. Co. of Am.*, No. 5:04-cv-130-4, 2005 WL 3532381 (M.D. Ga. Dec. 22, 2005) (\$500 per hour is reasonable for a medical doctor expert); *Otogenetics, Corp. v. Omega Biosciences, Inc.*, 2018 WL 11243835, No. 1:15-cv-2697 (N.D. Ga. Jan. 29, 2018) (permitting an expert fee of \$600 per hour for a deposition). Indeed, Dr. Penn's deposition rate in a Middle District of Florida matter, *Hughes v. Judd*, 8:12-cv-00568, in which he was deposed in 2013, was \$375/hour. Plaintiffs are willing to pay Dr. Penn \$400/hour for his deposition in this matter. Additionally, Plaintiffs will not and are not required to prepay Dr. Penn for his deposition. *See Fuller v. Kroger Co.*, No. 1:13-cv-03033, 2016 WL 8999938, at *3 (N.D. Ga. Jan. 11, 2016) ("Significantly, many courts have denied requests for advance payment of expert deposition costs because the Federal Rules do not require it . . . Based on the authority cited above, it is clear [the expert] had no legal right to demand prepayment of his deposition fees.").

Our good faith estimate is that Dr. Penn's deposition will take 5 hours, but in making that estimate, Plaintiffs do not waive their right to take the full 7 hours as allowed by FRCP 30.

As for Dr. Stewart's deposition, CoreCivic has had since December 22 to notice his deposition. As a courtesy and given Dr. Stewart's very busy schedule, we provided his availability on January 13. To date, CoreCivic has not noticed Dr. Stewart's deposition, and you have only indicated that you "may" want to depose him. Dr. Stewart is not available between now and the close of expert discovery. We are willing to ask for his availability in the coming weeks once CoreCivic confirms that it is in fact going to depose him.

Thank you,
CJ



CJ Sandley she/her/ella
Senior Staff Attorney | Immigrant Justice Project
Southern Poverty Law Center
T 334.956.8471 C 334.303.6822
cj.sandley@splcenter.org | www.splcenter.org
Admitted in Alabama and Georgia

From: Jacob Lee <JLee@strucklove.com>

Sent: Thursday, February 24, 2022 4:20 PM

To: CJ Sandley <cj.sandley@splcenter.org>

Cc: David (Bobo) Mullens <dbmullens@olivermaner.com>; Jacob Massee <jmassee@olivermaner.com>; Mike Giardina <MGiardina@strucklove.com>; Owino Team <OwinoTeam@strucklove.com>; Alan Howard <AHoward@perkinscoie.com>; Andrew Free <andrew@immigrantcivilrights.com>; azadeh@projectsouth.org; Chris Ivey <chris.ivey@splcenter.org>; Emily Cooper <ECooper@perkinscoie.com>; Daniel Charest <dcharest@burnscharest.com>; John Dixon <JohnDixon@perkinscoie.com>; Elliot Lepe <elliot.lepe@splcenter.org>; John Gray <JHGray@perkinscoie.com>; Jessica Hasen <JHasen@perkinscoie.com>; Jackie Aranda Osorno <jackie.aranda@splcenter.org>; Jessica Everett-Garcia <JEverettGarcia@perkinscoie.com>; Meredith Stewart <Meredith.Stewart@splcenter.org>; Chajon, Michael (WDC) <mchajon@perkinscoie.com>; Priyanka Bhatt <priyanka@projectsouth.org>; Rebecca Cassler <rebecca.cassler@splcenter.org>; Suzanne Mattler <SMattler@perkinscoie.com>; Vidhi Bamzai <vidhi.bamzai@splcenter.org>

Subject: RE: Barrientos v. CoreCivic: Subpoena for Deposition and Production of Documents to Joseph V. Penn

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

CJ,

My apologies for the multiple emails. Dr. Penn has requested that he be paid in advance for the hours Plaintiffs intend to use taking his deposition. He has recently run into difficulty in another case in which the plaintiffs took his deposition and then objected to paying his fee after the fact, delaying payment for services he had by that point already provided. Please confirm the number of hours you intend to use and that you will pay Dr. Penn in advance for that time.

Jacob

From: Jacob Lee

Sent: Thursday, February 24, 2022 10:52 AM

To: CJ Sandley <cj.sandley@splcenter.org>

Cc: David (Bobo) Mullens <dbmullens@olivermaner.com>; Jacob Massee <jmassee@olivermaner.com>; Mike Giardina <MGiardina@strucklove.com>; Owino Team <OwinoTeam@strucklove.com>; Alan Howard <AHoward@perkinscoie.com>; Andrew Free <andrew@immigrantcivilrights.com>; azadeh@projectsouth.org; Chris Ivey <chris.ivey@splcenter.org>; Emily Cooper <ECooper@perkinscoie.com>; Daniel Charest <dcharest@burnscharest.com>; John Dixon <JohnDixon@perkinscoie.com>; Elliot Lepe <elliot.lepe@splcenter.org>; John Gray <JHGray@perkinscoie.com>; Hasen, Jessica (SEA) <JHasen@perkinscoie.com>; Jackie Aranda Osorno <jackie.aranda@splcenter.org>; Jessica Everett-Garcia <JEverettGarcia@perkinscoie.com>; Meredith Stewart <meredith.stewart@splcenter.org>; Chajon, Michael (WDC) <mchajon@perkinscoie.com>; Priyanka Bhatt <priyanka@projectsouth.org>; Rebecca Cassler <rebecca.cassler@splcenter.org>; Suzanne Mattler <SMattler@perkinscoie.com>; Vidhi Bamzai <vidhi.bamzai@splcenter.org>

Subject: RE: Barrientos v. CoreCivic: Subpoena for Deposition and Production of Documents to Joseph V. Penn

CJ,

Please let us know how long you intend to take with Dr. Penn. We note that his rate for deposition testimony is \$1,000/hour, as stated in the fee schedule attached to his report.

Jacob

From: Jacob Lee

Sent: Thursday, February 24, 2022 9:19 AM

To: CJ Sandley <cj.sandley@splcenter.org>

Cc: David (Bobo) Mullens <dbmullens@olivermaner.com>; Jacob Massee <jmassee@olivermaner.com>; Mike Giardina <MGiardina@strucklove.com>; Owino Team <OwinoTeam@strucklove.com>; Alan Howard <AHoward@perkinscoie.com>; Andrew Free <andrew@immigrantcivilrights.com>; azadeh@projectsouth.org; Chris Ivey <chris.ivey@splcenter.org>; Emily Cooper <ECooper@perkinscoie.com>; Daniel Charest <dcharest@burnscharest.com>; John Dixon <JohnDixon@perkinscoie.com>; Elliot Lepe <elliot.lepe@splcenter.org>; John Gray <JHGray@perkinscoie.com>; Hasen, Jessica (SEA) <JHasen@perkinscoie.com>; Jackie Aranda Osorno <jackie.aranda@splcenter.org>; Jessica Everett-Garcia <JEverettGarcia@perkinscoie.com>; Meredith Stewart <meredith.stewart@splcenter.org>; Chajon, Michael (WDC) <mchajon@perkinscoie.com>; Priyanka Bhatt <priyanka@projectsouth.org>; Rebecca Cassler <rebecca.cassler@splcenter.org>; Suzanne Mattler <SMattler@perkinscoie.com>; Vidhi Bamzai <vidhi.bamzai@splcenter.org>

Subject: RE: Barrientos v. CoreCivic: Subpoena for Deposition and Production of Documents to Joseph V. Penn

CJ,

3/2 was originally the only date Dr. Penn had available. He had to make some adjustments to his schedule, but we can make 3/8 work.

Re: Plaintiffs' experts, we may want to depose Dr. Stewart. I know you previously had stated he was only available 2/24 and 2/25, but we're hoping that more availability has opened up, or that he can make himself available on other dates as Dr. Penn has graciously done. Please let us know.

Jacob

From: CJ Sandley <cj.sandley@splcenter.org>

Sent: Tuesday, February 22, 2022 4:02 PM

To: Jacob Lee <JLee@strucklove.com>

Cc: David (Bobo) Mullens <dbmullens@olivermaner.com>; Jacob Massee <jmassee@olivermaner.com>; Mike Giardina <MGiardina@strucklove.com>; Owino Team <OwinoTeam@strucklove.com>; Alan Howard <AHoward@perkinscoie.com>; Andrew Free <andrew@immigrantcivilrights.com>; azadeh@projectsouth.org; Chris Ivey <chris.ivey@splcenter.org>; Emily Cooper <ECooper@perkinscoie.com>; Daniel Charest <dcharest@burnscharest.com>; John Dixon <JohnDixon@perkinscoie.com>; Elliot Lepe <elliot.lepe@splcenter.org>; John Gray <JHGray@perkinscoie.com>; Hasen, Jessica (SEA) <JHasen@perkinscoie.com>; Jackie Aranda Osorno <jackie.aranda@splcenter.org>; Jessica Everett-Garcia <JEverettGarcia@perkinscoie.com>; Meredith Stewart <meredith.stewart@splcenter.org>; Chajon, Michael (WDC) <mchajon@perkinscoie.com>; Priyanka Bhatt <priyanka@projectsouth.org>; Rebecca Cassler <rebecca.cassler@splcenter.org>; Suzanne Mattler <SMattler@perkinscoie.com>; Vidhi Bamzai <vidhi.bamzai@splcenter.org>

Subject: RE: Barrientos v. CoreCivic: Subpoena for Deposition and Production of Documents to Joseph V. Penn

Jacob,

We are not available on 3/2. Are you all and Dr. Penn available on 3/7 or 3/8?

Also, in light of the approaching close of expert discovery, please confirm whether CoreCivic intends to depose Plaintiffs' experts.

Thank you,

CJ



CJ Sandley she/her/ella
Senior Staff Attorney | Immigrant Justice Project
Southern Poverty Law Center
T 334.956.8471 C 334.303.6822
cj.sandley@splcenter.org | www.splcenter.org
Admitted in Alabama and Georgia

This e-mail and any attachments are confidential and may be protected by legal privilege. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of this e-mail or any attachment is prohibited. If you have received this e-mail in error, please notify The Southern Poverty Law Center immediately by returning it to the sender and delete this copy from your system. Thank you for your cooperation.

From: Jacob Lee <JLee@strucklove.com>
Sent: Monday, February 21, 2022 2:40 PM
To: CJ Sandley <cj.sandley@splcenter.org>
Cc: David (Bobo) Mullens <dbmullens@olivermaner.com>; Jacob Massee <jmassee@olivermaner.com>; Mike Giardina <MGiardina@strucklove.com>; Owino Team <OwinoTeam@strucklove.com>; Alan Howard <AHoward@perkinscoie.com>; Andrew Free <andrew@immigrantcivilrights.com>; azadeh@projectsouth.org; Chris Ivey <chris.ivey@splcenter.org>; Emily Cooper <ECooper@perkinscoie.com>; Daniel Charest <dcharest@burnscharest.com>; John Dixon <JohnDixon@perkinscoie.com>; Elliot Lepe <elliot.lepe@splcenter.org>; John Gray <JHGray@perkinscoie.com>; Jessica Hasen <JHasen@perkinscoie.com>; Jackie Aranda Osorno <jackie.aranda@splcenter.org>; Jessica Everett-Garcia <JEverettGarcia@perkinscoie.com>; Meredith Stewart <Meredith.Stewart@splcenter.org>; Chajon, Michael (WDC) <mchajon@perkinscoie.com>; Priyanka Bhatt <priyanka@projectsouth.org>; Rebecca Cassler <rebecca.cassler@splcenter.org>; Suzanne Mattler <SMattler@perkinscoie.com>; Vidhi Bamzai <vidhi.bamzai@splcenter.org>
Subject: Re: Barrientos v. CoreCivic: Subpoena for Deposition and Production of Documents to Joseph V. Penn

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

CJ,

Does your email below mean that Plaintiffs' counsel aren't available for any depositions on those dates, or just not for depositions of Dr. Schriro and Ms. Renda? Because we and Dr. Penn are available for his deposition on 3/2. Please let us know if that will work.

Jacob B. Lee
STRUCK LOVE BOJANOWSKI & ACEDO, PLC
Sent from my iPhone

On Feb 15, 2022, at 5:50 PM, CJ Sandley <cj.sandley@splcenter.org> wrote:

Counsel,

Please see the attached Subpoena for Deposition and Production of Documents to Joseph V. Penn. Please let us know Dr. Penn's availability for a deposition.

Additionally, Meredith previously provided Plaintiffs' experts' deposition availability. As an amendment to that, Plaintiffs' counsel is not available March 2 for Dr. Schriro's deposition or March 4-8 for Ms. Renda's deposition.

Thank you,



CJ Sandley she/her/ella
Senior Staff Attorney | Immigrant Justice Project
Southern Poverty Law Center
T 334.956.8471 C 334.303.6822
cj.sandley@splcenter.org | www.splcenter.org
Admitted in Alabama and Georgia

This e-mail and any attachments are confidential and may be protected by legal privilege. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of this e-mail or any attachment is prohibited. If you have received this e-mail in error, please notify The Southern Poverty Law Center immediately by returning it to the sender and delete this copy from your system. Thank you for your cooperation.

<2022.02.15 Joseph Penn Subpoena Packet.pdf>

This electronic mail transmission contains information from the law firm Struck Love Bojanowski & Acedo, PLC that may be confidential or privileged. Such information is solely for the intended recipient, and use by any other party is not authorized. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of this message, its contents or any attachments is prohibited. Any wrongful interception of this message is punishable as a Federal Crime. Although this e-mail and any attachments are believed to be free of any virus or other defect that might affect any computer system into which it is received and opened, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by the sender for any loss or damage arising in any way from its use. If you have received this message in error, please notify the sender immediately by telephone (480) 420-1600. Thank you.

Tax Advice Disclosure: To ensure compliance with requirements imposed by the IRS under Circular 230, we inform you that any U.S. federal tax advice contained in this communication (including any attachments), unless otherwise specifically stated, was not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any matters addressed herein.
